

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**BRETT TORNGREN**

**Plaintiff**

**v.**

**TEXAS INSTRUMENTS INCORPORATED  
and JOHN DOE**

**Defendants**

**CIVIL ACTION NO.  
1:16-cv-12345-DPW**

**DEFENDANT TEXAS INSTRUMENTS INCORPORATED'S  
STATEMENT PURSUANT TO LOCAL RULE 56.1**

Dated: March 17, 2017

TEXAS INSTRUMENTS INCORPORATED  
By its attorneys,

Mark O. Denehy | BBO No. 120380  
Katharine S. Perry | BBO No. 634167  
Brian R. Birke | BBO No. 652720  
ADLER POLLOCK & SHEEHAN P.C.  
175 Federal Street  
Boston, MA 02110  
T: 617 482 0600

Defendant Texas Instruments Incorporated (“TI”), pursuant to Local Rule 56.1 and in support of its Motion for Summary Judgment, submits the following statement of material facts for which there is no genuine issue to be tried.<sup>1</sup>

**I. TI History**

1. Metals & Controls Corporation was incorporated on or about January 6, 1931, as the merged entity of General Plate Company and Spencer Thermostat Company. Exhibit 2, TI’s Response to Plaintiffs’ Limited Discovery Request, Answer to Interrogatory No. 1.

2. Thereafter, General Plate and Spencer Thermostat continued to operate as subsidiaries of Metals & Controls Corporation, with General Plate and Spencer Thermostat becoming divisions of Metals & Controls Corporation in 1936 and 1949, respectively. *Id.*

3. On or about December 9, 1957, M & C Nuclear, Inc. was organized as a wholly-owned subsidiary of Metals & Controls Corporation. *Id.*

4. On or about April 17, 1959, Metals & Controls Corporation merged and/or consolidated with Texas Instruments Incorporated. *Id.*

5. Thereafter, on or about June 25, 1959, Metals & Controls Corporation was organized. *Id.*

6. On or about December 30, 1960, M & C Nuclear, Inc., changed its name to Metals & Controls Inc. *Id.*

7. On or about May 1, 1961, Metals & Controls Corporation changed its name to Texas Instruments Inc., a subsidiary of Texas Instruments Incorporated. *Id.*

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<sup>1</sup> All exhibits referenced herein are to the exhibits attached to the Declaration of Brian R. Birke in Support of Texas Instruments Incorporated’s Motion to Dismiss and for Summary Judgment, which accompanies TI’s Statement Pursuant to Local Rule 56.1, and which is incorporated herein by reference.

8. On or about January 1, 1970, Metals & Controls Inc. changed its name to Texas Instruments Inc. and Texas Instruments Inc. changed its name to Metals & Controls Inc. *Id.*

9. On or about December 31, 1971, Texas Instruments Inc. merged into Texas Instruments Incorporated. *Id.*

## **II. No Opt-Out Or Waiver Of The Act's Exclusivity**

10. Plaintiff can produce no signed writing of a waiver of the right to commence suit to recover for injuries in lieu of the exclusivity of the Act. Exhibit 3, Plaintiff's Response to Defendant's Request for Discovery, Answer No. 5.

## **III. Plaintiff Alleges Occupational Exposure While Working for TI**

11. Plaintiff alleges exposure to hazardous materials during employment with TI at TI's Forest Street Facility. Exhibit 4, Joint Statement Pursuant to Local Rule 16.1 and the September 20, 2016 Bench Order of the Court (ECF No. 28), Section II.

12. Plaintiffs in the related cases,<sup>2</sup> of which Plaintiff is one, claim "... that they or their decedents were employees of TI for various lengths of time over a span of more than fifty (50) years. Plaintiffs further allege that they developed various cancers ... as a result of exposure to toxic substances at multiple buildings and sites located on TI's manufacturing facility in Attleboro, Massachusetts and during the course of their employment by TI." *Id.*

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<sup>2</sup> The related cases are set forth in the docket of Case No. 1:16-cv-10358-DPW. TI does not consent to the consolidation of any of the 26 related cases, and reserves all rights regarding same.

Respectfully submitted,

TEXAS INSTRUMENTS INCORPORATED  
By its attorneys,

Dated: March 17, 2017

/s/ Brian R. Birke

Mark O. Denehy | BBO No. 120380

[mdenehy@apslaw.com](mailto:mdenehy@apslaw.com)

Katharine S. Perry | BBO No. 634167

[kperry@apslaw.com](mailto:kperry@apslaw.com)

Brian R. Birke | BBO No. 652720

[bbirke@apslaw.com](mailto:bbirke@apslaw.com)

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be served via First-Class U.S. Mail to those indicated as non-registered participants, on March 17, 2017.

Dated: March 17, 2017 /s/ Brian R. Birke  
Brian R. Birke